

Subsidiary Legislation made under s. 91 and subsections 60(3), 61(3), 73(2) and 88(1).

FAIR TRADING (FORMS) REGULATIONS 2015**(LN. 2015/171)***Commencement* **7.10.2015**

Amending enactments	Relevant current provisions	Commencement date
LN. 2015/208	Schs 1, 2, 3, 4	13.11.2015
2016/017	Schs 1, 2, 3, 4	4.2.2016

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In exercise of the powers conferred upon him by section 91 and subsections 60(3), 61(3), 73(2) and 88(1) of the Fair Trading Act 2015, and of all other enabling powers, the Minister with responsibility for commercial and consumer affairs has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Fair Trading (Forms) Regulations 2015 and shall take effect and come into operation as law on their date of publication.

Application for a new licence.

2.(1) A notice of intention to apply for a new licence shall be as set out in Form 1a of Schedule 1.

(2) An application for a new licence once the relevant notice of intention has been published shall be as set out in Form 2a of Schedule 2.

(3) A notice of objection to the grant of a new licence shall be as set out in Form 3a of Schedule 3.

Application for extension to scope of licence.

3.(1) Notice of intention to apply for an extension to the scope of a licence shall be as set out in Form 1b of Schedule 1.

(2) An application for an extension to the scope of a licence once the relevant notice of intention has been published shall be as set out in Form 2b of Schedule 2.

(3) A notice of objection to the extension to the scope of a licence shall be as set out in Form 3b of Schedule 3.

Application for the transfer of a licence to other premises.

4.(1) Notice of intention to apply for the transfer of a licence to other premises shall be as set out in Form 1c of Schedule 1.

(2) An application for the transfer of a licence to other premises once the relevant notice of intention has been published shall be as set out in Form 2c of Schedule 2.

(3) A notice of objection to the transfer of a licence to other premises shall be as set out in Form 3c of Schedule 3.

Application for the transfer of a licence where business is to remain on the same premises.

5. An application for the transfer of a licence where business is to remain on the same premises shall be as set out in Form 2d of Schedule 2.

Application for a duplicate licence.

6. An application for a duplicate licence shall be as set out in Form 2e of Schedule 2.

Prescribed form for licence.

7.(1) A licence once granted shall be as set out in Schedule 4.

(2) Where a licence is renewed the licensing authority shall note the fact of such renewal on the licence in such form as it deems appropriate but so as to show the period of renewal and the date of renewal.

Form of register.

8. The register of licences shall be as set out in Schedule 5.

SCHEDULE 1

Forms giving notice of applications

Regulation 2(1)

Form 1a

Notice of intention to apply for a new business licence

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Gibraltar Law Office for publication in the Gibraltar Gazette and one local newspaper.

1. Applicant Details

Full name of applicant (individual or company name):

Business name (if any):

Address of premises in Gibraltar from which business will be carried on (or premises waiver):

The above address shall not be a residential Government premises, or a non-Governmental premises under which the terms of the title deeds restrict commercial activities to be carried on from such premises.

Postal address (if different to above):

Email address:

Contact number:

2. Trade

If you intend to trade in goods, please list the goods, class or classes of goods to be traded. (Please refer to notes for guidance on lists of goods)

Please indicate type(s) of trade envisaged: (you may select more than one box)

- Retail
 Wholesale
 Export

3. Services

If you intend to provide services, please indicate type(s) of service envisaged: (you may select more than one box)

- (i) construction services road transport contracting and crafts
 (ii) business-related services to include office maintenance, management consultancy, event organisation, debt recovery, advertising and recruitment services

- (iii) tourism services to include travel agents

 - (iv) leisure services to include sports and amusement centres
 - (v) installation and maintenance of equipment
 - (vi) online services provided from Gibraltar
 - (vii) information society services to include publishing – print and web, news agencies, computer programming
 - (viii) accommodation and food services to include hotels, restaurants and caterers
 - (ix) training and education services
 - (x) rentals and leasing services to include car rental
 - (xi) real estate services
 - (xii) beauty therapists and hairdressers
 - (xiii) car repair workshops
 - (xiv) builders/ carpenters/plumbers/ electricians and decorators
 - (xv) self-employed persons who provide services
- Other (please specify):

If you have selected a service from (i) to (xv) above, please provide a description of the service in the box below:

4. Date and Signature

The applicant hereby acknowledges that the grant of a business licence under a premises waiver does not grant the business licence holder any right to operate their business from any premises that are residential Government premises, or from non-Governmental premises under which the terms of the title deeds restrict commercial activities to be carried on from such premises.

Signature of Applicant:

Dated:

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Note to publisher: Empty boxes and italicised text do not require publication.

Form 1b

Notice of intention to apply for an extension to scope of business licence

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Gibraltar Law Office for publication in the Gibraltar Gazette and one local newspaper.

1. Applicant details

Full name of applicant (individual or company name):

Business name (if any):

Address of premises in Gibraltar from which business is carried on (or premises waiver):

Postal address (if different to above):

Email address:

Contact number:

Current licence number:

Please provide details of your current licence:

2. Details of extension to trade:

If you intend to trade in goods or additional goods, please list the additional goods, class or classes of goods to be traded; (Please refer to notes for guidance on lists of goods)

Please indicate type(s) of trade envisaged for the above goods: (you may select more than one box)

- Retail
- Wholesale
- Export

3. Details of extension to services:

If you intend to provide services, or additional services, please indicate type(s) of service envisaged: (you may select more than one box)

- (i) construction services road transport contracting and crafts
- (ii) business-related services to include office maintenance management consultancy, event organisation, debt recovery, advertising and recruitment services
- (iii) tourism services to include travel agents

- (iv) leisure services to include sports and amusement centres
- (v) installation and maintenance of equipment
- (vi) online services provided from Gibraltar
- (vii) information society services to include publishing – print and web, news agencies, computer programming
- (viii) accommodation and food services to include hotels, restaurants and caterers
- (ix) training and education services
- (x) rentals and leasing services to include car rental
- (xi) real estate services
- (xii) beauty therapists and hairdressers
- (xiii) car repair workshops
- (xiv) builders: carpenters, plumbers, electricians and decorators
- (xv) self-employed persons who provide services

Other (please specify)

If you have selected a service from (i) to (xv) above, please provide a description of the service in the box below:

4. Date and signature:

Signature of Applicant:

Dated:

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Note to publisher: Empty boxes and italicised text do not require publication.

Form 1c

Notice of intention to apply for transfer of business licence to other premises

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Gibraltar Law Office for publication in the Gibraltar Gazette and one local newspaper.

1. Applicant details

Full name of applicant: *(individual or company name)*

Business name *(if any)*:

Address of premises in Gibraltar from which business is carried on *(or premises waived)*:

The above address shall not be a residential Government premises, or a non-Governmental premises under which the terms of the title deeds restrict commercial activities to be carried on from such premises.

Postal address *(if different to above)*:

Email address:

Contact number:

Current licence number:

Please provide details of your current licence:

2. Details of new premises to which licence intends to be transferred:

Address of premises to which licence is to be transferred:

3. Date and signature

Signature of Applicant:

Dated:

Note to publisher: Empty boxes and italicised text does not require publication.

SCHEDULE 2

Forms of applications.

Regulation 2(2)

Form 2a

Application for a new business licence

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Office of Fair Trading.

1. Applicant details

Full name of applicant: *(individual or company name, as appearing on notices)*

2. Details of publication of notice of intention to apply for a new licence:

Applicant's notice of intention to apply for a new licence was published in:

1. Gibraltar Gazette dated: 20
with Government Notice Number:

and

2. The following newspaper circulating in Gibraltar; (a copy of which is enclosed)
and dated: 20

3. Confirmations:

By completing this form, you are confirming that:

1. The details contained in your notice of intention are correct;
2. You are applying for a licence as more particularly set out in your notice of intention referred to above;
3. You have not entered into a scheme of arrangement with your creditors which is still binding; *(corporate applicants only)*
4. The licence will not co-exist with a licence issued to the same premises, or that the issue of the licence is compatible with a licence issued to the same premises;
5. If you are applying for a premises waiver, in your opinion, your business does not need premises in which to operate;
6. The grant of a business licence under a premises waiver will not grant you any right to operate your business from any premises that are residential Government premises, or from non-Governmental premises under which the terms of the title deeds to such premises restrict commercial activities to be carried on from such premises;
7. You will obtain separately all necessary approval and consent from the headlessor and freehold owner of any premises from which you operate all or any part of your business;

- 8. The premises is not residential Government premises or non-Governmental premises under which the terms of the title deeds to such premises restrict commercial activities to be carried on from such premises or premises are not required for your business to operate;
- 9. Your business does not involve handling client money or taking deposits on behalf of clients, or if your business does involve this activity, you will provide us with proof of your separate client account within 3 months of the issue of the licence;
- 10. You are not an undischarged bankrupt; and
- 11. You have not been convicted of an offence under the Insolvency Act within the past 5 years.

4. Date and signature

Signature of Applicant:

Dated:

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Form 2b

Regulation 3(2)

Application for extension to scope of business licence

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Office of Fair Trading.

1. Applicant details

Full name of applicant: *(individual or company name as appearing on notices)*

2. Details of publication of notice of intention to apply for extension to scope of licence:

Applicant's notice of intention to apply for an extension to a licence was published in:

1. Gibraltar Gazette dated 20
with Government Notice Number:
and
2. The following newspaper circulating in Gibraltar
(a copy of which is enclosed)
and dated: 20

3. Confirmations:

By completing this form, you are confirming that:

1. The details contained in your notice of intention are correct;
2. You are applying to extend your licence as more particularly set out in your notice of intention referred to above; and
3. Your business does not involve handling client money or taking deposits on behalf of clients, or if your business does involve this activity, you will provide us with proof of your separate client account within 3 months of the issue of the licence.

4. Date and signature:

Signature of Applicant:

Dated:

 20

Form 2c

Application for transfer of business licence to other premises

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Office of Fair Trading.

1. Applicant details

Full name of applicant; (individual or company name as appearing on notices)

2. Details of publication of notice of intention to apply for transfer of licence to other premises:

Applicant's notice of intention to apply for a transfer of licence to other premises was published in:

1. Gibraltar Gazette dated 20
with Government Notice Number:

and

2. The following newspaper circulating in Gibraltar (a copy of which is enclosed)
and dated: 20

3. Confirmations:

By completing this form, you are confirming that:

1. The details contained in your notice of intention are correct;
2. You are applying to transfer your licence to other premises as more particularly set out in your notice of intention referred to above;
3. The licence will not co-exist with a licence issued to the same premises, or that the issue of the licence is compatible with a licence issued to the same premises;
4. The premises is not residential Government premises or non-Governmental premises under which the terms of the title deeds to such premises restrict commercial activities to be carried on from such premises; and
5. You will obtain separately all necessary approval and consent from the headlessor and freehold owner of any premises from which you operate all or any part of your business.

4. Date and signature:

Signature of Applicant:

Dated:

 20

Form 2e

Application for a duplicate business licence

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Office of Fair Trading.

1. Applicant details

Full name of applicant (*individual or company name*)

Business name (if any):

Address of premises in Gibraltar from which business is carried on:

Postal address (if different to above):

Email address:

Contact number:

2. Confirmations:

By completing this form, you are confirming that:

1. Your original licence was lost, destroyed or defaced; and
2. Your original licence has not expired.

3. Date and signature

Signature of Applicant:

Dated:

Regulation 5

Form 2d

Application for transfer of business licence where business is to remain on the same premises

Please read the guidance notes and complete in block letters. Return a copy of the completed form to the Office of Fair Trading.

1. Applicant details

Full name of transferor:	<input type="text"/>
Full name of transferee:	<input type="text"/>
Transferee business name (if any):	<input type="text"/>
Address of premises in Gibraltar from which business is carried on:	<input type="text"/>
Postal address (if different to above):	<input type="text"/>
Email address:	<input type="text"/>
Contact number:	<input type="text"/>
Current licence number:	<input type="text"/>

2. Confirmations:

By completing this form, the transferee is confirming that:

1. They have not entered into a scheme of arrangement with their creditors which is still binding; (corporate applicants only)
2. They are not an undischarged bankrupt; and
3. They have not been convicted of an offence under the Insolvency Act within the past 5 years.

3. Date and signature

Signature of transferor:	<input type="text"/>
Signature of transferee:	<input type="text"/>
Dated:	<input type="text"/> <input type="text"/> <input type="text"/> 20 <input type="text"/>

SCHEDULE 3

Forms giving notice of objection

Form 3a

Regulation 2(3)

Notice of objection to application for new business licence

Please read the guidance notes and complete in block letters. Return copies of the completed form to the Office of Fair Trading and the applicant against whom the objection is lodged.

1. Objector details

Full name of objector:	<input type="text"/>
Business name (if any):	<input type="text"/>
Postal address:	<input type="text"/>
Email address:	<input type="text"/>
Contact number:	<input type="text"/>
Represented by (if applicable):	<input type="text"/>

2. Details of objection:

Name of applicant against whom objection is lodged:

I hereby give notice of my objection to the application for a new licence by the above named applicant on the following ground(s):
(you may select more than one)

- applicant is under the age of 18
- issue of licence is likely to cause nuisance or annoyance to persons residing or occupying nearby premises
- premises does not conform to requirements of any enactment
- licence is not compatible with an existing licence on the same premises
- issue of licence with conflict with town planning scheme approved by DPC
- issue of licence would operate against public interest

3. Confirmations:

By completing this form, the objector is confirming that:

1. A copy of this notice of objection has been given to the above named applicant;
2. This notice is dated within seven days from the date the application was last published; and
3. The corresponding payment has been included with this notice or the objector is exempt under section 74(3) of the Fair Trading Act.

4. Date and signature

Signature of objector or
objector's representative:

Dated:

Form 3b

Notice of objection to extension to scope of business licence

Please read the guidance notes and complete in block letters. Return copies of the completed form to the Office of Fair Trading and the applicant against whom the objection is lodged.

1. Objector details

Full name of objector:	<input type="text"/>
Business name (if any):	<input type="text"/>
Postal address:	<input type="text"/>
Email address:	<input type="text"/>
Contact number:	<input type="text"/>
Represented by (if applicable):	<input type="text"/>

2. Details of objection:

Name of applicant against whom objection is lodged:

I hereby give notice of my objection to the application for an extension to a licence by the above named applicant on the following ground(s):
(you may select more than one)

- applicant is under the age of 18
- issue of licence is likely to cause nuisance or annoyance to persons residing or occupying nearby premises
- premises does not conform to requirements of any enactment
- licence is not compatible with an existing licence on the same premises
- issue of licence with conflict with town planning scheme approved by DPC
- issue of licence would operate against public interest

3. Confirmations:

By completing this form, the objector is confirming that:

1. A copy of this notice of objection has been given to the above named applicant;
2. This notice is dated within seven days from the date the extension application was last published; and
3. The corresponding payment has been included with this notice or the objector is exempt under section 74(3) of the Fair Trading Act.

4. Date and signature:

Signature of objector or
objector's representative:

Dated:

<input type="text"/>	<input type="text"/>	20
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Form 3c

Notice of objection to transfer of business licence to other premises

Please read the guidance notes and complete in block letters. Return copies of the completed form to the Office of Fair Trading and the applicant against whom the objection is lodged.

1. Objector details

Full name of objector:	<input type="text"/>
Business name (if any):	<input type="text"/>
Postal address:	<input type="text"/>
Email address:	<input type="text"/>
Contact number:	<input type="text"/>
Represented by (if applicable):	<input type="text"/>

2. Details of objection:

Name of applicant against whom objection is lodged:

I hereby give notice of my objection to a transfer of a licence to other premises by the above named applicant on the following ground(s):
(you may select more than one)

- applicant is under the age of 18
- issue of licence is likely to cause nuisance or annoyance to persons residing or occupying nearby premises
- premises does not conform to requirements of any enactment
- licence is not compatible with an existing licence on the same premises
- issue of licence with conflict with town planning scheme approved by DPC
- issue of licence would operate against public interest

3. Confirmations:

By completing this form, the objector is confirming that:

1. A copy of this notice of objection has been given to the above named applicant;
2. This notice is dated within seven days from the date the application to transfer was last published; and
3. The corresponding payment has been included with this notice or the objector is exempt under section 74(3) of the Fair Trading Act.

4. Date and signature

Signature of objector or
objector's representative:

Dated:

FAIR TRADING (FORMS) REGULATIONS 2015

Subsidiary
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SCHEDULE 4

Form of business licence certificate

Regulation 7(1)

H.M. GOVERNMENT OF GIBRALTAR

OFFICE OF FAIR TRADING

Regulation 7 (1)

FAIR TRADING ACT 2015
BUSINESS LICENCE

No.....

A business licence is hereby granted to:

[Empty box for business name]

To carry on the following business in Gibraltar:

A. To trade in the following goods or class of goods:

[Empty box for goods description]

By: [Retail / Wholesale / Export]

B. To carry on the following services:

[Empty box for services description]

Premises:

[Empty box for premises address]

This business licence is subject to the following terms and conditions:

[The grant of a business licence under a premises waiver does not grant the business licence holder any right to operate their business from any premises that are residential Government premises, or from non-Governmental premises under which the terms of the title deeds restrict commercial activities to be carried on from such premises.]

Please note that the licence holder is required to obtain separately all necessary approval and consent from the headlessor or freehold owner of any premises from which the licence holder is to operate all or any part of their business.

This business licence is granted by the Business Licensing Authority of the Office of Fair Trading in accordance with the provisions of the Fair Trading Act 2015 on [] day of [] 20 []

This business licence shall be valid for one year from the date of this certificate.